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March 16, 2012

VIA ECF

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

Honorable Arthur D. Spatt
United States District Judge
P.O. Box 9014
Central Islip, NY 11722-9014

★ MAR 20 2012 ★

LONG ISLAND OFFICE

Re: GENOMETRICA RESEARCH, INC.
v. GORBOVITSKY, et al.
Case No.: 11-CV-5802(ADS)(AKT)
United States District Court, E.D.N.Y.
Our File No.: 7375-G

Dear Judge Spatt:

We represent Plaintiff Genometrica Research, Inc. ("Genometrica") in connection with the above-referenced matter. We write to seek clarification of the Court's Order dated February 2, 2012, by which the Court extended the time for Genometrica to respond to Defendants' Motion to Dismiss the Complaint until April 2, 2012. A copy of that Order is annexed hereto as Exhibit A. See also Docket No. 10. Genometrica respectfully requests that the Court clarify the Order so that it specifically extends Genometrica's deadline both to oppose the motion to dismiss and to amend the Complaint as of right.

Beginning on January 24, 2012, Genometrica, through counsel, requested that Defendants stipulate to an extension of time for "Plaintiff to file its opposition papers to Defendants' motion to dismiss the complaint, and/or otherwise file an amended complaint and/or otherwise plead...." Copies of the proposed stipulation and email requests are annexed hereto as Exhibit B. See also, Docket No. 9-1 at p. 7, ¶ 1. Because Defendants refused to stipulate to the extension, Genometrica wrote to this Court on February 1, 2012, seeking the extension. See Docket No. 9. That letter stated that Genometrica needed additional time to respond to the Motion to Dismiss because, inter alia, Genometrica was contemplating filing an Amended Complaint. Id.

The Court's Order, states that "[t]he Plaintiff's request for an extension to file its opposition to the Defendants' motion to dismiss is granted until April 2, 2012." Exhibit A at p. 2; see also Docket No. 10 at p. 2. The Order does not mention the Amended Complaint that Genometrica intends to file.

INTELLECTUAL LAW

THE LAW OFFICES OF P.B. TUFARIELLO, P.C.

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Out of an abundance of caution, Genometrica respectfully requests that the Court clarify its Order so that it specifically includes an extension of time both to respond to the Motion to Dismiss and to amend the Complaint as of right. Genometrica does not wish to burden the Court or the Defendants with an unnecessary motion for leave to amend the Complaint.

Your Honor's patience and professional courtesies are greatly appreciated.

Respectfully submitted,


Panagiota Betty Tufariello

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To clarify the Court's February 2, 2012 order, the plaintiff is granted an extension until April 2, 2012 to either exercise its right to file an amended complaint, or, alternatively, to oppose the Defendants' motion to dismiss. As stated in the court's February 2, 2012 order, no further extensions will be granted.

So ordered.

/s/ Arthur D. Spatt

Arthur D. Spatt, U.S.D.J.
3/20/12

MOVANT'S COUNSEL IS DIRECTED TO SERVE A
COPY OF THIS ORDER ON ALL PARTIES UPON
RECEIPT VIA FACSIMILE.